REMARKS

The present application includes pending claims 1-38, all of which have been rejected. Claims 1, 10, 21 and 29 have been amended, while claims 13, 27 and 33 have been canceled without prejudice or disclaimer.

Claims 10-12, 14-17, 21-26, 28-32, 37 and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,601,237 ("Ten Kate") in view of U.S. 2002/0054752 ("Wood"). Claims 1-6, 9, 13, 27, 33 and 34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ten Kate in view of Wood and U.S. 2002/0166127 ("Hamano"). Claims 7 and 8 stand rejected under 35 U.S.C 103(a) as being unpatentable over Ten Kate in view of Wood, Hamano and U.S. 2004/0261096 ("Matz"). Claims 18-20, 35 and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ten Kate in view of Wood and Matz. The Applicants respectfully traverse these rejections for at least the reasons previously discussed during prosecution and the following.

Claim 10 recites, in part, "selecting particular stored media as one of idle state media or user scheduled media based upon input from a user at a first location, wherein the user scheduled media includes selected stored media arranged according to time;...." Claim 21 recites, in part, "selecting the media stored at the first location as idle state media or user scheduled media based upon input from a user, wherein the user scheduled media is scheduled based on broadcasting time;...." Claim 29 recites, in part, "wherein all of the idle state media and the user scheduled media are scheduled based on time."

The Office Action states the following:

> Ten Kate clearly teaches a method of operating a system supporting user captured media display sequencing, the method comprising:

> identifying particular media as one of idle state media or user
> scheduled media based upon input from a user at a first location;
> **(A user selects programs to create a virtual channel, column 4
> line 64 to column 5 line 3. The user selects default media to fill
> the gaps in the virtual channel schedule, column 5 line 66 to
> column 6 line 8)**

See February 2, 2009 Office Action at page 2 (emphasis in original).

In Ten Kate, however, the "virtual channel means are adapted to control the tuner to tune

to a channel currently broadcasting a selected program. When a user selects the virtual channel,

the apparatus takes care of automatically switching between the genuine channels broadcasting

the programs viewed on the virtual channel." *See* Ten Kate at Abstract. Thus, Ten Kate

discloses a system in which a user identifies particular programs for a virtual channel. However,

these programs are shown in genuine channels, but are not stored entirely at the user's location.

Moreover, the user does not schedule the times of these programs. Instead, the times are dictated

by the "genuine channels." The "apparatus takes care of automatically switching between the

genuine channels broadcasting the programs viewed on the virtual channel." *See id.* Thus, in

Ten Kate, the user does not schedule any stored media according to a time schedule. Ten Kate

also discloses that "scheduling means are further adapted to record the second program, and

reschedule it for the virtual channel to fill a gap before or after the programs scheduled for the

virtual channel." *See id.* at column 2, lines 36-40. Thus, in Ten Kate, the times for the virtual

channel are essentially dictated by those set by the genuine channels. Portions of a second

program may merely be recorded to fill in the gaps between times of programs broadcast by the

genuine channels.

The Applicants respectfully submit that Ten Kate does not describe, teach or suggest

"selecting particular stored media as one of idle state media or user scheduled media based upon

input from a user at a first location, wherein the user scheduled media includes selected stored media arranged according to time;" as recited in claim 10, "selecting the media stored at the first location as idle state media or user scheduled media based upon input from a user, wherein the user scheduled media is scheduled based on broadcasting time," as recited in claim 21, or "wherein all of the idle state media and the user scheduled media are scheduled based on time," as recited in claim 29. Thus, for at least these reasons, the Applicants respectfully request reconsideration of the rejection of claims 10-12, 14-17, 21-26, 28-32, 37 and 38.

Claim 1 recites, in part, "storage at the first location for storing all idle state media and all user scheduled media; a user interface for identifying particular media as one of the idle state media or the user scheduled media, wherein the user scheduled media comprises selected media content stored at the first location, wherein the user interface is used to schedule the selected media content stored at the first location according to broadcast times, and wherein the user interface is used to choose when the idle state media is displayed; set top box circuitry at the first location communicatively coupled to the storage at the first location to support consumption of the idle state media and the user scheduled media by the television display according to selected and scheduled times." The Applicants respectfully request reconsideration of the rejection of claims 1-6, 9, 13, 27, 33 and 34 for at least the reasons discussed above.

Additionally, as shown above, claim 1 recites that the idle state media stored at the first location is displayed at first **and** second locations.

The Office Action acknowledges that Ten Kate combined with Wood does not describe, teach or suggest idle state media stored at a first location being displayed at the first location and the second location. *See* February 2, 2009 Office Action at page 6. In an attempt to overcome this deficiency, the Office Action relies on Hamano. *See id.* at page 7.

Hamano, however, only discloses advertisements displayed on a remote display. *See* Hamano at [0037]. In particular, Hamano discloses a set top box that "transmits the advertising information that has been targeted to the user to the remote display terminal via wireless transmission." *See id.* at [0044]. Similar to Ten Kate and Wood, however, Hamano does not describe, teach or suggest displaying information stored at a first location on a display at the first location **and** a display at the second location. Instead, similar to the Ten Kate and Wood, Hamano only discloses display at one location. None of Ten Kate, Wood or Hamano describes, teaches or suggests "the set top box circuitry at the first location causing the displaying, from the storage at the first location, of idle state media when no user scheduled media is available on the television display at the first location **and the at least one display device at the second location**," as recited in claim 1. Thus, for at least this reason, the proposed combination does not render claim 1 or the claims that depend therefrom unpatentable.

The remaining independent claims recite similar limitations. Thus, the Applicants respectfully submit that the proposed combination of references does not render any of these claims or the claims that depend therefrom unpatentable.

In general, the Office Action makes various statements regarding claims 1-38 and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully request that the outstanding rejections be reconsidered and withdrawn. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

The Commissioner has already been authorized to charge any necessary fees, including the $490 fee for the two-month extension, the $810 fee for the Request for Continued Examination, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000

/Joseph M. Butscher/
Joseph M. Butscher
Registration No. 48,326
Attorney for Applicants